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**United States General Accounting Office**

Report to the Chairman, Subcommittee on  
Public Lands, Reserved Water and  
Resource Conservation, Committee on  
Energy and Natural Resources  
United States Senate

May 1986

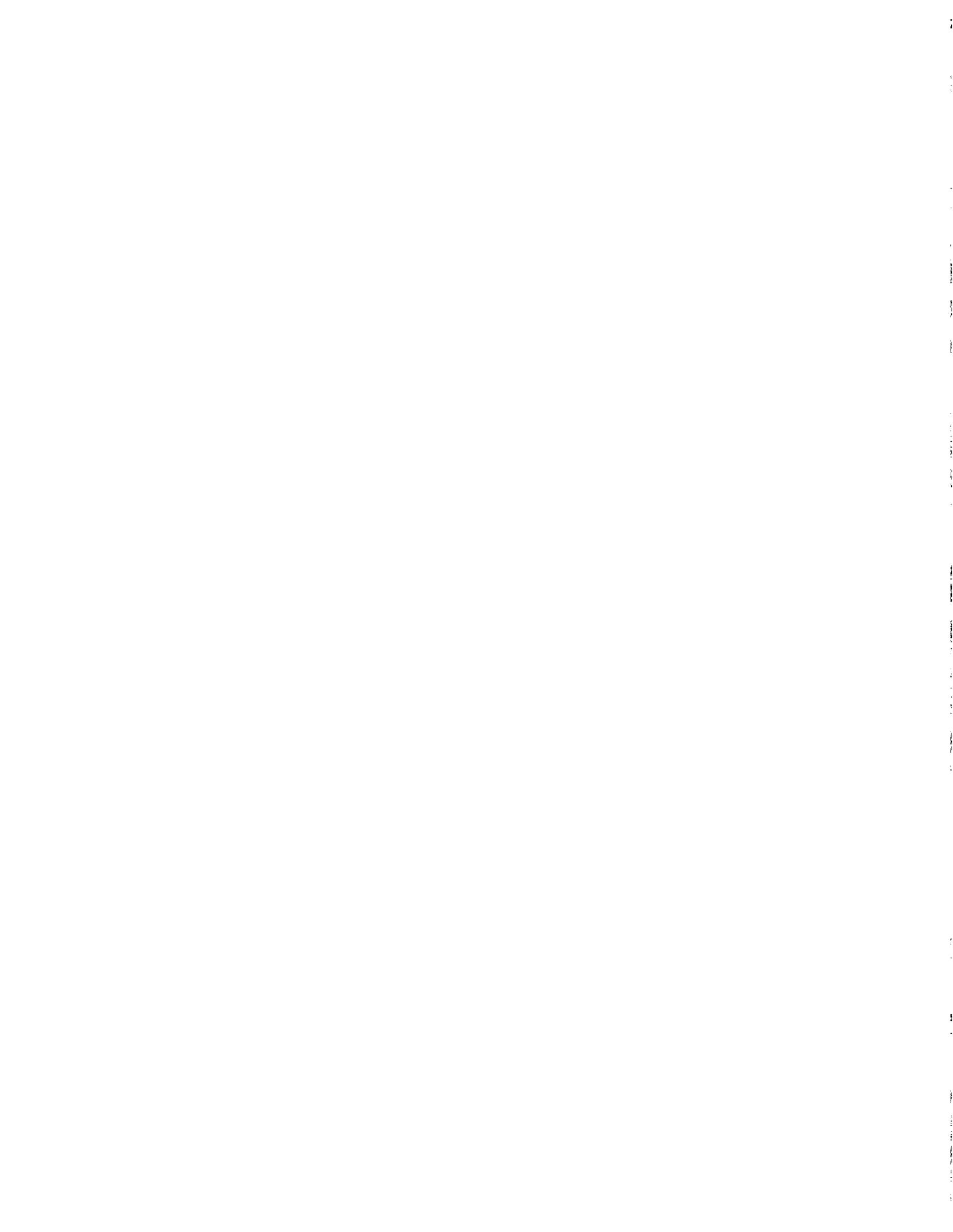
# **PARKS AND RECREATION**

## **Recreational Fee Authorizations, Prohibitions, and Limitations**



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United States  
General Accounting Office  
Washington, D.C. 20548

Resources, Community, and  
Economic Development Division

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May 8, 1986

The Honorable Malcolm Wallop  
Chairman, Subcommittee on Public Lands,  
Reserved Water and Resource  
Conservation  
Committee on Energy and Natural Resources  
United States Senate

Dear Mr. Chairman:

As requested in your January 16, 1986, letter and in discussions with your office, this report describes and compares the legislative authorizations, prohibitions, and limitations governing recreational fees charged by federal agencies and their related policies concerning such fees. You also requested that we prepare (1) a listing of state and federal expenditures from the Land and Water Conservation Fund for the 10-year period 1976 through 1985 and (2) an inventory and budget summary for each of the recreational and cultural sites managed by the Bureau of Land Management for fiscal years 1985, 1986, and 1987. We are reporting the results of our work on the latter two issues in separate products.

With respect to recreational fee legislation, the basic authority rests with the Land and Water Conservation Fund Act of 1965, as amended (LWCFCA). LWCFCA authorizes three types of recreational fees—entrance, use, and special recreational use permit fees. An entrance fee is a charge for entering designated units of the National Park Service or National Recreational Areas administered by the U.S. Forest Service. A use fee is a charge for using a specialized outdoor recreational site, facility, equipment, or service that is developed, administered, provided, or furnished at federal expense. The special recreational use permit fee is charged for events involving group activities, recreational events, or motorized recreational vehicle events.

Originally, the Land and Water Conservation Fund Act of 1965 placed relatively few prohibitions or limitations on the ability of the seven federal land management agencies—National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, U.S. Army Corps of Engineers, and the Tennessee Valley Authority—to establish and collect recreational fees. However,

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since 1965, numerous amendments to the original Land and Water Conservation Fund Act of 1965 and enactment of other legislation have prohibited or limited the federal agencies' ability to assess recreational fees. As a result, the recreational fee program developed from a program that authorized entrance and use fees at essentially all federally owned outdoor recreational areas to one that limits entrance fees at specific units of the National Park Service and the U.S. Forest Service and at those recreational areas that can charge use fees. In addition, there are six bills currently under consideration by the Congress that call for changes to the laws governing recreational fees.

Recreational fee policies have been developed by the seven land management agencies. However, the policies, for the most part, either refer to or reiterate the criteria and guidelines established under LWCFR. Agency officials we met with told us that these policies have evolved because the prohibitions and limitations contained in recreational related laws, including LWCFR, restrict the agencies' discretion to develop a policy on how, when, and where recreational fees can be charged.

In order to determine the legislative authorizations, prohibitions, and limitations imposed on agencies that charge recreational fees, we reviewed the various recreational fee laws including Section 4 of LWCFR, which specifically authorizes recreational fees. Additionally, we met with officials for each of the seven federal land management agencies to discuss the authorizations, prohibitions, and limitations identified from our legislative review and each agency's overall recreational fee policy. We conducted the review between January and March 1986. As agreed with your office, we did not obtain specific site case examples that demonstrated recreational fee prohibitions and limitations because time would not allow us to perform the necessary work at the local level and still meet your requested reporting date.

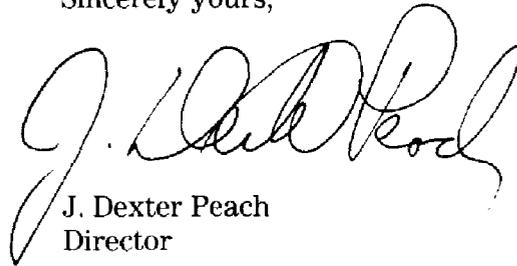
This report contains five appendixes. Appendix I provides background information on recreational fees and discusses selected provisions of Section 4 of LWCFR, and other related fee provisions that apply to all seven federal land management agencies administering the federal recreational fee program. Appendixes II, III, and IV detail the three types of recreational fees—entrance, use, and special recreational use permits—and their legislative authorizations, prohibitions, and limitations. Appendix V discusses six recreational fee legislative proposals under consideration by the Congress. We did not obtain official agency comments; however, the views of responsible officials at the seven federal

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land management agencies were sought during the course of our work and are incorporated in the report as appropriate.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to interested parties and make copies available to others on request.

Sincerely yours,



J. Dexter Peach  
Director

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**Abbreviations**

BLM	Bureau of Land Management
BOR	Bureau of Reclamation
FWS	U.S. Fish and Wildlife Service
FS	U.S. Forest Service
LWCFA	Land and Water Conservation Fund Act of 1965, as amended
NPS	National Park Service
TVA	Tennessee Valley Authority

# Background on Recreational Fees

The policy of collecting recreational fees at national parks and other federal areas is a long-standing one. Fee collection began at Mount Rainier National Park in 1908. During the next 7 years, other federal areas began to charge fees. The initial fees represented a charge in the form of an automobile permit on those entering the parks. The fees were justified on the basis of offsetting the cost of road building and other developed facilities in the parks. As the Department of the Interior's 1979 Federal Recreation Fee Report noted, "these years marked the commencement of a long, and frequently controversial fee collection history" that has continued into the 1980's.

While various legislative and presidential actions took place during the intervening years, the first comprehensive recreational fee law that specifically authorized fees for outdoor recreation was the Land and Water Conservation Fund Act of 1965, (P.L. 88-578). This act authorized the seven federal land management agencies—the Department of the Interior's National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS),<sup>1</sup> Bureau of Reclamation (BOR), and Bureau of Land Management (BLM); the Department of Agriculture's U.S. Forest Service (FS); the U.S. Army Corps of Engineers (Corps); and the Tennessee Valley Authority (TVA)—to establish and collect recreational fees.

The Land and Water Conservation Act of 1965, as originally passed, provided for a fee program that permitted entrance<sup>2</sup> and use fees at essentially all federally owned outdoor recreational areas. Initially, prohibitions and limitations<sup>3</sup> on recreational fees were few. Since 1965, the charging of recreational fees has become more restrictive through a series of amendments to the Land and Water Conservation Fund Act of 1965 and the enactment of other recreational-fee-related legislation. As a result, limits are currently placed on the charging of entrance fees to designated units of NPS and National Recreational Areas administered by FS and on those recreational areas<sup>4</sup> that can charge use fees.

<sup>1</sup>Originally called the Bureau of Sport Fisheries and Wildlife until renamed the U.S. Fish and Wildlife Service by an act of Congress in April 1974 (88 Stat. 92).

<sup>2</sup>The terms "admission" and "entrance" fee are used interchangeably throughout various recreational-related laws.

<sup>3</sup>Prohibition is defined as a total ban on the assessment of any fee. Limitation is defined as a situation where a recreational fee can be charged, but certain parameters exist that restrict the capabilities of assessing a fee.

<sup>4</sup>Recreational areas are defined as any areas under the seven land management agencies that are provided for scenic, scientific, historical, cultural, or recreational purposes such as national parks, forests, monuments, and museums.

The Land and Water Conservation Fund Act of 1965, as amended (LWCFA), directs the federal land management agencies to deposit all recreational fees collected under LWCFA into the Land and Water Conservation Fund (Fund).<sup>5</sup> However, in December 1981, Section 100 of the Energy and Water Development Appropriation Act of 1982 (P.L. 97-88), (16 U.S.C. 4601-5a note), exempted the Corps from this provision of the law and allowed it to deposit all recreational use fees collected into a special account separate from the Fund. Fees deposited to the Corps' account are subject to appropriations the following year and returned to the same Corps' division that collected the fees. These divisions are to use the fee revenues for the operation and maintenance of their outdoor recreational facilities.

Similarly, TVA and BOR have authorities that exempt them from depositing recreational fees into the Fund. TVA's authority is contained in Section 26 of the TVA Act of 1933, (16 U.S.C. 831y), which directs the Board of Directors to deposit the proceeds from activities of TVA, including recreational fees, into the Treasury of the United States on March 31 of each year, except for such part of the proceeds that the Board of Directors determine shall be necessary for the operation of dams and reservoirs, its power program, and its fertilizer program. BOR's authority is under Section 4(f) of LWCFA, (16 U.S.C. 4601-6a(f)). Recreational fees collected by BOR are to be deposited as miscellaneous revenues into a separate fund. Fees deposited by the remaining four agencies are combined with other federal revenues from outer continental shelf mineral receipts, sale of federal surplus property, and motorboat fuel taxes that make up the Fund. Receipts deposited to the Fund are subject to appropriations allocated to the four agencies for acquiring recreational lands and federal assistance to the states in planning and developing land and water areas and facilities for recreational purposes.

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## Fee Criteria and Uniform Authorities

LWCFA, (16 U.S.C. 4601-6a), provides the basic legislative authority for three types of recreational fees—entrance, use, and special recreational use permit fees. LWCFA provides uniform criteria that each agency must consider regardless of the type of recreational fee established. Pursuant to Section 4(d) of LWCFA, (16 U.S.C. 4601-6a(d)), all recreational fees established under this section by the seven land management agencies shall be “fair and equitable” taking into consideration,

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<sup>5</sup>The Land and Water Conservation Fund is a special account authorized under LWCFA that is used to assist federal and state agencies in meeting present and future outdoor recreational demands through the planning, acquiring, and developing of recreational areas.

- the direct and indirect cost to the government,
- the benefits to the recipient,
- the public policy or interest served,
- the comparable recreational fees charged by nonfederal public agencies,
- the economic and administrative feasibility of fee collection, and
- other pertinent factors.

In addition to the above criteria, LWCFAs Section 4(a)(2), (16 U.S.C. 4601-6a(a)(2)), specifically requires that any entrance fees established at NPS-designated units shall be reasonable.

Although Section 4 of LWCFAs contains numerous prohibitions and restrictions, the only fee prohibition that applies to all seven federal land management agencies is contained in paragraph (g) under this section (16 U.S.C. 4601-6a(g)). This paragraph states that:

"Nothing in this Act shall authorize Federal hunting and fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law."

In addition to LWCFAs, a Comptroller General decision (62 Comp. Gen. 339 (1983)) dated April 22, 1983, limits how recreational fees may be collected. The decision states that under the Volunteers in the National Forest Act of 1972, FS volunteers cannot collect federal recreational fees. However, another Comptroller General decision (64 Comp. Gen. 408 (1985)) dated March 25, 1985, states that contractor employees can collect recreational fees. While the initial decision was the result of an FS request for an opinion on the collection of recreation use fees by National Forest volunteers, all seven federal land management agencies we met with follow both decisions.

# Entrance Fee Legislation Limits Participating Agencies

LWCFA, under Section 4(a), (16 U.S.C. 4601-6a(a)) authorizes the assessment of entrance fees at federally owned, operated, and maintained recreational areas. Table II.1 summarizes entrance fees' original and amended authorizations, whether other entrance fee authorizations exist, agency implementation of these authorizations, and whether legal prohibitions or limitations exist for each agency.

**Table II.1: Summary of Entrance Fee Authorizations, Implementation, Prohibitions, and Limitations by Agency**

Category	Agency						
	NPS	FS	BOR	BLM	FWS	TVA	Corps
Authority to charge entrance fees as originally enacted under P.L. 88-578	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Authority to charge entrance fees per LWCFA, Section 4(a), (16 U.S.C. 4601-6a(a))	Yes	Yes	No	No	No	No	No
Other authorizations to charge entrance fees	No	No	No	No	No	No	No
Currently charge entrance fees	Yes	No	No	No	No	No	No
Legal prohibitions	Yes <sup>a</sup>	No	Yes	Yes	Yes	Yes	Yes
Legal limitations	Yes	Yes	N/A	N/A	N/A	N/A	N/A

<sup>a</sup>Although NPS has the authority to charge entrance fees under LWCFA, a number of other laws prohibit the charging of fees at specific units within the National Park System.

Note: N/A = not applicable

An entrance fee is a charge for entering designated national parks, monuments, recreational areas, seashores, historic and memorial parks, and sites administered by NPS or National Recreational Areas administered by FS. Entrance fees may be assessed on a single-visit basis or on an annual basis through the purchase of the Golden Eagle Passport. Although the Land and Water Conservation Fund Act of 1965 originally authorized entrance fees for all seven federal land management agencies, in July 1972, Public Law 92-347 amended LWCFA to limit entrance fees at only two of the seven federal land management agencies. Section 4(a), (16 U.S.C. 4601-6a(a)), states that:

"Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas [which are operated and maintained by a Federal agency and<sup>1</sup>] used for outdoor recreation purposes."

<sup>1</sup>This phrase was added to the section by a subsequent amendment to LWCFA in June 1974, under P.L. 93-303.

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**Appendix II**  
**Entrance Fee Legislation Limits**  
**Participating Agencies**

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While this section authorizes NPS and FS to charge entrance fees, it also limits the charging of entrance fees to certain units within these two agencies.

The law limits NPS' ability to charge entrance fees at "designated units" within its system. Under NPS' regulations (36 CFR 71.3), a site can be classified as a designated unit if the following conditions exist concurrently:

- The area is a unit of the National Park System administered by the Department of the Interior.
- The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes.
- The area has recreational facilities or services provided at federal expense.
- The nature of the area is such that entrance fee collection is administratively and economically practical.

However, in October 1979 Section 402 of Public Law 96-87, (16 U.S.C. 4601-6b), prohibited the establishment of any new designated entrance fee units within NPS if not established as of January 1, 1979. This law also froze all NPS entrance fees at the January 1, 1979 level. According to an NPS headquarters Staff Ranger, NPS has not raised entrance fees or added any new designated entrance fee units to its inventory since 1979. This Staff Ranger also told us that the fees were frozen at a level originally established in 1972, under 36 CFR 71.7 from "no more than \$1.50 for a walk-in type entrance fee to "no more than \$3.00" for a vehicle entrance fee. As of March 1986, NPS charges entrance fees at 59 of its 337 units.

FS is authorized to charge entrance fees under the same authority as NPS except that FS can only charge entrance fees at National Recreation Areas under its jurisdiction and does not include such areas as national forests and national grasslands, unless part of a National Recreation Area. Although FS' entrance fee policy is to charge entrance fees at congressionally designated National Recreation Areas where it is economical and feasible to do so, an FS Staff Specialist explained that on the basis of the LWCFR fee criteria, FS has determined that it is not administratively feasible to charge entrance fees at any of its 12 National Recreation Areas because of the mixed land ownership patterns and the multitude of access points. As a result, only NPS charges entrance fees from among the seven agencies originally authorized under the Land and Water Conservation Fund Act of 1965.

## Additional Prohibitions and Limitations Further Restrict the Charging of Entrance Fees

In addition to the general entrance fee prohibition imposed on five of the seven land management agencies under Section 4(a) of LWCF, other restrictions exist within LWCF and related laws that prohibit or limit the charging of entrance fees. Specifically, Section 4(a)(3) of LWCF, (16 U.S.C. 4601-6a(a)(3)), prohibits the charging of such fees for

“... travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code . . . .”

This provision, as interpreted by NPS, prohibits the charging of entrance fees at four parkways:

- Blue Ridge Parkway.
- Natchez Trace Parkway.
- John Rockefeller, Jr. Memorial Parkway.
- George Washington Memorial Parkway.

Section 4(a)(3) also limits the charging of entrance fees to the Great Smokey Mountains National Park. This provision states that

“... unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.”

Entrance fees are also prohibited or limited under a number of other laws. Under Section 210 of the Flood Control Act of 1968, (P.L. 90-483), (16 U.S.C. 460d-3), approved in August 1968, the Corps is prohibited from charging entrance fees. This section specifies that

“No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army.”

As a result, the Corps is the only land management agency prohibited from charging entrance fees under two separate laws. The other laws, as shown in table II.2, prohibit the charging of entrance fees at a specific unit of NPS.

**Appendix II  
Entrance Fee Legislation Limits  
Participating Agencies**

**Table II.2: Other Laws That Prohibit the Charging of Entrance Fees at Specific NPS Units**

<b>Unit</b>	<b>Public Law or U.S. Code</b>
Mt. Rushmore	P.L. 75-629, Sec. 3
American Memorial Park	P.L. 95-348, Sec. 5(e)
War of the Pacific National Historical Park	16 U.S.C. 410dd(j)
Virgin Islands National Park	16 U.S.C. 398e(b)
Golden Gate National Recreation Area	16 U.S.C. 460bb-3(e)
Abraham Lincoln Birthplace National Historic Site	16 U.S.C. 211
Point Reyes National Seashore	16 U.S.C. 459c-5(e)
Channel Islands National Park	16 U.S.C. 410ff-6
Biscayne National Park	16 U.S.C. 410gg-5
Ft. Jefferson National Monument	P.L. 96-287, Sec. 204
Martin Luther King National Historic Site	P.L. 96-428, Sec. 5
Boston African American National Historic Site	P.L. 96-430, Sec. 103
Muir Woods National Monument	16 U.S.C. 460bb-3(e)
Fort Point National Historic Site	16 U.S.C. 460bb-3(e)
Alaska	16 U.S.C. 410hh-2 <sup>a</sup>

<sup>a</sup>This law prohibits the charging of entrance fees at any of NPS' units in Alaska (15 park areas).

**Other Entrance Fee Provisions Available**

LWCFEA, (16 U.S.C. 460l-6a(a)(1), (4), and (5)), authorizes an annual admission permit and two free lifetime admission permits that allow unlimited entrance to federal parks, monuments, and recreational areas. The annual admission permit, known as the "Golden Eagle Passport," can be issued to any person who applies for such a permit. The Golden Eagle Passport is valid for the calendar year in which it is purchased and is not transferable. The passport provides general admission into any designated entrance fee unit which, according to LWCFEA, admits the holder and any accompanying passengers in a single, private, noncommercial vehicle to any entrance fee unit administered by the federal government. Where entry is not by private vehicle, usually a walk-in type entry, the passport holder, spouse, children, and parents are allowed entrance under the passport. This passport is valid only for entrance fees and does not cover use fees. (See app. III.) The annual cost of the Golden Eagle Passport is set by law. The cost was established under Public Law 91-308 in 1970, when it was raised from \$7.00 to \$10.00. The Golden Eagle Passport is sold only by NPS and FS.

The two free lifetime admission permits are known as the Golden Age and Golden Access<sup>2</sup> Passports. The Golden Age Passport is available to

<sup>2</sup>Although the authorizing legislation does not specifically title this passport, it is commonly referred to as the "Golden Access Passport."

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**Appendix II**  
**Entrance Fee Legislation Limits**  
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any citizen or person domiciled in the United States who is 62 years of age or older. The Golden Access Passport is available to any person who has been medically determined to be blind or permanently disabled for purposes of receiving benefits under federal law. LWCF's entrance fee guidelines for the two free lifetime passports are the same as the Golden Eagle Passport. Both the Golden Age and Golden Access Passports can be secured from any of the seven land management agencies.

# Recreational Use Fees Are Authorized but Application Is Restricted

LWCFA authorizes recreational use fees under Section 4(b), (16 U.S.C. 4601-6a(b)). Table III.1 summarizes use fees' original and amended authorizations, whether other use fee authorizations exist, agency implementation of these authorizations, and whether legal prohibitions or limitations exist for each agency.

**Table III.1: Summary of Use Fee Authorizations, Implementation, Prohibitions, and Limitations by Agency**

Category	Agency						
	NPS	FS	BOR	BLM	FWS	TVA	Corps
Authority to charge use fees as originally enacted under P.L. 88-578	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Authority to charge use fees per LWCFA, Section 4(b), (16 U.S.C. 4601-6a(b))	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other authorizations to charge use fees	Yes	No	No	Yes	No	Yes	No
Currently charge use fees	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Legal prohibitions	Yes <sup>a</sup>	Yes <sup>b</sup>	No	No	No	No	No
Legal limitations	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<sup>a</sup>Although NPS has the authority to charge use fees under LWCFA, P.L. 96-87 prohibits the charging of a use fee for transportation services at Denali National Park.

<sup>b</sup>Although the Corps has the authority to charge use fees under LWCFA, P.L. 90-483 prohibits the charging of use fees at certain water areas.

A use fee is a charge for using a specialized outdoor recreational site, facility, equipment, or service furnished at federal expense. An example of a use fee would be a charge for a camp site. Section 4(b) requires all seven federal land management agencies to charge use fees. In addition, Section 4(b), authorizes a 50-percent discount to holders of the Golden Age and Golden Access Passports for all federal recreational use fees charged for facilities, equipment, and services, such as camping sites and mechanized boat-launching sites that are developed, administered, provided, or furnished at federal expense. The Golden Eagle Passport entrance fee guidelines (see app. II) are applicable to the Golden Age and Golden Access Passports for all agencies except FS. FS policy states that where use fees are charged on a per-person basis, the discount applies only to the holder and not those accompanying the passport holder.

While Section 4(b) requires charging use fees, it also contains three specific limitations that must be considered when establishing use fees. The law states that agencies shall not charge a use fee, either singly or in combination, for the following nine items

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**Appendix III  
Recreational Use Fees Are Authorized but  
Application Is Restricted**

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“ . . . drinking water, wayside exhibits, roads, overlook sites, visitors’ centers, scenic drives, toilet facilities, picnic tables, or boat ramps.”

However, the law does require an agency to charge a use fee for boat-launching facilities when specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

The second limitation lays out criteria that campground sites must meet in order to charge a use fee. Under Section 4(b) of LWCFR, in order for a campground to charge a use fee, all of the following must exist:

- Tent or trailer spaces.
- Drinking water.
- Access road.
- Refuse containers.
- Toilet facilities.
- Personal collection of the fee by an employee or agent of the federal agency operating the facility.
- Reasonable visitor protection.
- Simple devices for containing a campfire where such fires are permitted.

While all seven of the federal land management agencies maintain campground facilities, a third limitation applies only to Corps campground sites. Public Law 93-303, approved in June 1974, which amended Section 4(b) of LWCFR, states that

“At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed.”

Although this provision does not prohibit the charging of use fees by the Corps, it does require the agency to make certain camping facilities and sites available free of charge.

Two other public laws place limitations on the Corps and a prohibition on the ability of NPS to charge use fees. Section 210 of the Flood Control Act of 1968, approved in August 1968, requires that use fees charged by the Corps at lakes and reservoirs be collected by officers and employees of the United States only from users of highly developed facilities requiring the continuous presence of personnel for maintenance and supervision of the facilities. Further, this section prohibits the charging of use fees for access to or use of water areas and undeveloped or lightly developed shoreland. This Section also duplicates the limitation on four

of the nine items or facilities that agencies cannot charge for either singly or in combination under a use fee as specified in Section 4(b) of LWCFR. The four items include picnic grounds,<sup>1</sup> overlook sites, scenic drives, or boat-launching ramps, except where mechanical or hydraulic equipment is provided.

The second law involves a prohibition contained in Public Law 96-87, previously discussed in appendix II. In addition to freezing all NPS entrance fees and prohibiting the establishment of additional fee units, this law prohibits NPS from charging any "... user fees for transportation services and facilities in Mt. McKinley National Park, Alaska."<sup>2</sup>

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## **Other Laws Permit Fee Assessment**

Four other laws permit three agencies to assess fees. The first two involve TVA's authority to assess recreational fees. On June 27, 1985, the Manager of TVA's Office of Natural Resources and Economic Development testified before the Congress that TVA's "User fees are established under authority of the TVA Act of 1933 and are consistent with the Land and Water Conservation Fund Act, as amended."<sup>3</sup> This policy was further confirmed by a TVA staff attorney who told us that TVA's authority, as broadly interpreted by the Board of Directors, under Sections 9(b) and 4(g) of the TVA Act of 1933 (16 U.S.C. 831h(b) and 16 U.S.C. 831c(g)) authorizes recreational fees. However, the staff attorney noted that the Act's broad authority to charge recreational fees is restricted by the prohibition on entrance fees and limitations on use fees as contained in LWCFR.

The second authority is contained in Public Law 98-151, approved in November 1983. This law specifically directs TVA to impose a fee for water recreation activities that occur as a result of recreational releases of water on the Ocoee River in Tennessee.

The third law involves BLM's authority to charge recreational use fees. According to BLM's Recreation and Cultural Resources Branch Chief, broadly interpreted, the Federal Land Policy and Management Act,<sup>4</sup> as

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<sup>1</sup>Section 4(b) prohibits a use fee for only picnic tables, not entire picnic grounds.

<sup>2</sup>Mt. McKinley National Park was renamed Denali National Park by P.L. 96-487, Sec. 202(3)(a), (16 U.S.C. 410hh-1(3)(a)), in 1980.

<sup>3</sup>Congressional hearings before the Subcommittee on Public Lands, Reserved Water and Resources Conservation, Senate Committee on Energy and Natural Resources, June 27, 1985.

<sup>4</sup>BLM also uses this authority to charge special recreational use permit fees. (See app. IV.)

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**Appendix III  
Recreational Use Fees Are Authorized but  
Application Is Restricted**

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amended (43 U.S.C. 1734), permits BLM to charge fees, including recreational use fees. This section states that

“Notwithstanding any other provision of law, the Secretary [of the Interior] may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the public lands and may change and abolish such fees, charges, and commissions.”

The fourth law, Public Law 95-625, which prohibits NPS from charging an entrance fee at the Golden Gate National Recreation Area, (see app. II) also authorizes NPS to assess reasonable charges for public transportation (a use fee) at the area.

# Special Recreational Use Permits Have Broad Application

LWCFA, under Section 4(c), (16 U.S.C. 4601-6a(c)), authorizes federal land management agencies to charge a fee for special recreational use permits. Table IV.1 summarizes the special recreational use permit fee's original and amended authorizations, whether other special recreational use fee authorizations exist, agency implementation of these authorizations, and whether legal prohibitions or limitations exist for each agency.

**Table IV.1: Summary of Special Recreational Use Permit Authorizations, Implementation, Prohibitions, and Limitations by Agency**

Category	Agency						
	NPS	FS	BOR	BLM	FWS	TVA	Corps
Authority to charge special recreational use fees as originally enacted under P.L. 88-578 <sup>a</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Authority to charge special recreational permit fees per LWCFA, Section 4(c), (16 U.S.C. 4601-6a(c))	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other authorizations to charge special recreational use permit fees	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Currently charge special recreational use permit fees	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Legal prohibitions	No	No	No	No	No	No	No
Legal limitations	No	No	No	Yes	No	Yes	No

<sup>a</sup>P.L. 88-578 only approved entrance and recreational use fees. It was not until P.L. 92-347 amended LWCFA in July 1972 that special recreational use permit fees were established under the law.

Note: N/A = not applicable

Special recreational use permits are issued for such events as group activities, recreational events, or motorized recreational vehicle races. Section 4(c) states that

“Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.”

While Section 4(c) of LWCFA authorizes special recreational use permit fees, agencies can also issue and charge permit fees on the basis of other statutory authority. Fees collected under other statutory authority may be deposited into the general treasury or to a special account separate from the Land and Water Conservation Fund on the basis of the agencies' policy or legislative authority. These other statutory authorities are usually broad in nature and do not specifically address recreational fees. How and when fees are charged varies and can be dependent upon

whether the use is classified as commercial or noncommercial. A brief summary follows for each of the seven land management agencies.

## Bureau of Land Management

Section 4(c) of LWCFR provides the authority for BLM to issue special recreational use permits and collect related fees. BLM requires special recreational use permits for recreational activities that require specific management and control measures for the areas' protection. These activities involve (1) commercial use, (2) competitive use, (3) off-road vehicle events involving 50 or more vehicles, and (4) use of "special areas." With the exception of using "special areas," BLM does not require permits for recreational use of BLM areas by individuals. However, according to BLM's Recreation and Cultural Resources Branch Chief and the Bureau's regulations as contained in 43 CFR 8372.1-1, BLM also has the authority to issue such permits under any one of five other acts—the Sikes Act, the Wild and Scenic Rivers Act, the Federal Land Policy and Management Act, the Taylor Grazing Act, and the National Trails Act. The BLM official told us that while these laws do not specifically require special recreational use permits, each law's broad authority allows BLM to issue special recreational use permits.

## Bureau of Reclamation

The legislative authority under which BOR issues and charges special recreational use permits is Section 4(c) of LWCFR. However, according to a Staff Specialist in BOR's Land Resources Management Branch, BOR issues special recreational use permits infrequently because of low demand for such activities covered by these permits. This Staff Specialist also told us that BOR does have other authorities involving land use that are either broad in nature or project specific. For example, the Federal Water Project Recreation Act, (P.L. 89-72), as amended, (16 U.S.C. 4601-12 to 4601-21), and 43 CFR 429 provide BOR with the broad authority to outgrant<sup>1</sup> lands under its jurisdiction. BOR outgrants a majority of its recreational areas to other federal, state, and local governmental agencies. According to the Staff Specialist, federal agencies can charge recreational fees at outgranted areas on the basis of the legislative authorities under which that particular agency operates. BOR's most current listing, dated 1984, indicates that it outgranted 90 recreational areas to other federal agencies, of which 63 areas assess some type of recreational fee. Another 171 areas have been outgranted to state and local agencies, of which 110 areas assess a recreational fee.

<sup>1</sup>The outgrant program transfers BOR areas to other federal agencies or to nonfederal entities such as state and local governments, which in turn manage, operate, and maintain the area.

BOR has other recreational-related authorities that, according to the Staff Specialist, are usually at congressional direction contained in project specific legislation. The Staff Specialist told us that, while these authorities do not specifically authorize fees, they allow BOR to provide recreational areas either in-house or by agreement with others under such terms and conditions that will best promote the locations' development and operation, which include the assessment of fees. For example, he stated that the Act of July 25, 1962, (P.L. 87-542), provides for the development of recreational facilities at Elephant Butte and Cabello Reservoirs in New Mexico and Section 8 of the Colorado River Storage Project Act, as amended, (43 U.S.C. 620g), provides criteria for the development of recreational areas for the Upper Colorado River Basin.

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## **U.S. Army Corps of Engineers**

The Corps' authority to issue and charge special recreational use permits is contained under Section 4(c) of LWCFR. The Corps classifies special recreational use permits into two categories—the special facility permit and the special event permit. The special facility permit is required for reserved group use of special recreational facilities such as group picnic facilities, amphitheaters, or athletic complexes. The special event permit is required for special events such as boat regattas, water carnivals, or music festivals.

In addition to LWCFR, the Corps also has the authority to enter into agreements with third parties to provide recreational services and facilities for the operation of marinas located within Corps areas. According to the Natural Resources Branch Chief, the Corps does not classify this type of agreement as a recreational-related permit but rather a commercial enterprise that provides recreational services and facilities on the basis of a broader authority contained in the Act of December 22, 1944, as amended, (16 U.S.C. 460d).

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## **U.S. Forest Service**

FS issues and charges for special recreational use permits under the authority contained in Section 4(c) of LWCFR. These permits are usually for group activities, recreational events, and motorized recreational vehicles. FS also charges special recreational use permit fees under several legislative authorities outside LWCFR. The other authorities involve commercial recreational use of FS lands.

The Act of March 4, 1915, as amended, (16 U.S.C. 497), allows the Secretary of Agriculture to issue permits for up to 30 years for constructing or maintaining recreational facilities. This type of permit is usually

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issued to concessionaires that operate ski areas or summer resort areas within FS lands. Further, according to an FS headquarters Concessions and Special Uses Staff Specialist, the Department of Agriculture also has authority to issue special recreational use permits for recreational facilities and activities on national forest lands under the Act of June 4, 1897, as amended, (16 U.S.C. 551). A third law, the Granger-Thye Act, (16 U.S.C. 580d), allows FS to issue special recreational use permits for government-owned structures such as summer homes, lodges, or hotels. Additional authority is contained under the Act of March 30, 1948, (16 U.S.C. 497a), which allows the Secretary of Agriculture to permit the use and occupancy of national forest lands in Alaska for several purposes, one of which is recreation.

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**U.S. Fish and Wildlife  
Service**

Special recreational use permits issued and charged by FWS under Section 4(c) of LWCFR are for noncommercial recreational activities such as off-road vehicle use. FWS has two other noncommercial authorities that authorize recreational or educational uses—National Wildlife Refuge System Administration Act of 1966, as amended, (16 U.S.C. 668dd-668ee), and the Refuge Recreation Act, (16 U.S.C. 460k-3). Both laws authorize the issuance of permits and the collection of fees for activities on National Wildlife Refuge System lands.

In addition to the noncommercial permit authorities, FWS has the authority to grant commercial recreational use privileges on FWS lands. FWS classifies those that operate commercial recreational activities or facilities for a monetary gain as an economic use type operation. FWS has three authorities under economic use that are applicable to commercial use. The first, the National Wildlife Refuge System Administration Act of 1966, as amended, (16 U.S.C. 668dd(b)(1)), allows the establishment of accommodations for public recreation on such lands where recreation occurs. The remaining two laws—Revenue Sharing Act of 1935, as amended, and Migratory Bird Conservation Act, as amended—authorize, according to an FWS headquarters Refuge Manager, other economic uses, such as concessions<sup>2</sup> and other leases on land under the National Wildlife System. However, the Refuge Manager told us that the Migratory Bird Conservation Act's authority, as amended, is applicable only to those lands acquired under the Act, and the Revenue Sharing Act of 1935, as amended, has a similar, but broader, type authority to

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<sup>2</sup>FWS Administrative Manual defines a concession as a business establishment operated by private enterprise for profit to provide lodging, meals, boats, and other accommodations for the recreational enjoyment of the general public visiting certain National Wildlife Refuges.

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assess fees, including recreational fees, which cover all other lands within the National Refuge System.

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**National Park Service**

NPS issues and charges special recreational use permits under Section 4(c) of LWCFR. An example would involve the issuance of a permit for the use of motorized recreational vehicles. NPS also provides recreational facilities and services through agreements with concessionaires. However, NPS does not handle these concessionaires under LWCFR. According to the Chief of NPS' Concessions Division, NPS issues concessionaire permits under the National Park System Concessions Policy Act, Public Law 89-249, (16 U.S.C. 20-20g). Concessionaires under this authority provide a variety of recreational activities or services such as horseback riding, canoeing, or food services.

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**Tennessee Valley  
Authority**

TVA issues special recreational use permits under its broad authority contained in the Tennessee Valley Authority Act of 1933, as amended, (16 U.S.C. 831 et seq.), which is consistent with LWCFR. (See app. III.)

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# Legislative Proposals Have Potential Impact Upon Recreational Fees

As of March 27, 1986, six bills—House bills 1203 and 3934, and Senate bills 740, 2092, 2130, 2204—had been introduced before the 99th Congress, which would authorize entrance fees within certain FWS units, amend various provisions of LWCF, and repeal other prohibitions or limitations under another law. The following details each bill.

## House Bill 1203

This bill was introduced on February 21, 1985, during the first session of the 99th Congress and referred to the House Committee on Merchant Marine and Fisheries, which issued a report (H.R. Rep. 99-86 Part 1). The bill was then referred to the House Committee on Interior and Insular Affairs for consideration of such provisions of the bill as fall within the jurisdiction of the committee. The bill, as reported out of the Committee on Merchant Marine and Fisheries, would do the following:

1. Authorize reasonable fees for entrance permits at designated units of the National Wildlife Refuge System, irrespective of the provisions contained in the LWCF. (This provision is similar to S.740.)
2. Direct revenues from the entrance fees collected under this bill to be deposited into the Migratory Bird Conservation Fund, less 10 percent, to be used
  - to defray administrative costs incurred for providing entrance permits and
  - for the purposes for which the designated units have been established.
3. Allow the Secretary of the Interior to sell, at designated units, the Golden Eagle Passports. Revenues from the sale of this passport by FWS will be used as described in item 2 above. (Currently, only NPS and FS sell this permit. Revenues received by NPS and FS for the sale of this permit are placed in the Land and Water Conservation Fund.)
4. Establish three types of permits—individual visit, group visit, and special permits.
  - Individual visit permits allow the purchaser and related individuals unlimited entries into, and exits from, designated units during a period of time not exceeding 15 consecutive days.
  - Group visit permits allow a group of individuals to make entries into, and exits from, a designated unit within a specified period of time.

- Special permits duplicate the authority to issue the Golden Age and Access Passports authorized under LWCFR and establishes two other types of special entrance permits.
5. Authorize a special permit that entitles an individual free entry into a designated unit
- for purposes of travel to an inholding within the unit or
  - for any nonrecreational purpose considered appropriate by the Secretary.
6. Require that entrance permit fees at designated units shall be fair and equitable taking into consideration
- the direct and indirect cost to the government,
  - the benefits to the recipient,
  - the public policy or interest served,
  - the comparable fees charged by nonfederal public agencies,
  - the economic and administrative feasibility of fee collection, and
  - other pertinent factors.
- This provision is identical to Section 4(d) of LWCFR, (16 U.S.C. 4601-6a(d)), which is discussed in appendix I, Senate bill 740 and similar to House bill 3934. House bill 1203 and Senate bill 740 also duplicate the LWCFR requirement that a fee notice be clearly displayed at all designated fee units. House bill 3934 only requires that clear notice be given.
7. Prohibit the requirement of an entrance permit or the charging of an entrance permit fee at any designated unit upon
- any individual who possesses, at the time of entry, a valid Golden Eagle Passport, Golden Age Passport, or any other lifetime entrance permit issued under LWCFR,
  - any individual who possesses, at the time of entry, a valid duck stamp issued to that individual,
  - any related individual, and
  - any individual issued a special permit under this proposal.
8. Prohibit an entrance permit or any fee with respect to entry into the Back Bay National Wildlife Refuge on any individual who has been issued a special permit under Section 3 of Public Law 96-315 for that refuge.

9. Prohibit an entrance permit requirement or the charging of any fee over any road or highway established as part of the National Federal Aid System, as defined in Section 103<sup>1</sup> of Title 23, United State Code. This provision is identical to Section 4(a)(3) of LWCF, (16 U.S.C. 4601-6a(a)(3)), which is discussed in appendix II and similar to Senate bill 740.

10. Require that special permits under this proposal be issued free of charge.

11. Restrict the entrance permit or special permits authorized under this proposal to the individual or group to whom it is issued.

12. Require annual reports by FWS covering a list of current designated units, a list of potential designated units, designated unit capacity and visitation data, the amount and disposition of fees collected under this provision, and any recommendations for improving the operation of the entrance permit program. This provision is similar to Section 4(h) of LWCF, (16 U.S.C. 4601-6a(h)), Senate bill 740 and House bill 3934. NPS currently compiles a similar annual report titled Federal Recreation Fee Report, which covers all seven federal land management agencies.

In addition, Section 102 of the proposal amends Section 2(b) of the Act of March 16, 1934, (48 Stat. 451, 16 U.S.C. 718b), by increasing the price of the migratory bird hunting and conservation stamp from \$7.50 to \$10.00 for the hunting years 1986 and 1987, \$12.50 for the hunting years 1988 and 1989, and \$15.00 each hunting year thereafter.

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## House Bill 3934

This bill was introduced on December 12, 1985, and referred to the House Committee on Interior and Insular Affairs. This proposed bill would do the following:

1. Authorize the Secretary of the Interior to establish a pilot wilderness permit fee system for visits lasting more than 24 hours to those lands in the National Wilderness Preservation System in Sequoia-Kings Canyon National Park, California. This pilot program will be for a period beginning October 1, 1986, and ending September 30, 1990.

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<sup>1</sup>Reference to Section 103 may be in error. LWCF and S.740 refer to Section 101 of Title 23, United States Code.

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2. Require that fees established under this bill shall be fair and equitable taking into account

- the direct and indirect cost to the government,
- the benefits to the recipient, and
- other pertinent factors.

This provision only has three of the six fee criteria contained in Section 4(d) of LWCFR, (16 U.S.C. 4601-6a(d)), which is discussed in appendix I, Senate bill 740, and House bill 1203. While House bills 740 and 1203 duplicate the LWCFR requirement that a fee notice be clearly displayed at designated fee units, this provision only requires that clear notice be given.

3. Deposit not less than 40 percent of the fees collected under this provision into a special account in the Treasury of the United States.

4. Utilize fee proceeds from the special account for the purpose of upgrading and rehabilitating existing trails in wilderness areas designated in the Act or by Public Law 98-425.

5. Utilize fee proceeds from the special account, to the extent, and in such amounts, as may be provided in advance through appropriations acts for upgrading and rehabilitating existing trails.

6. Prohibit the use of such fee proceeds for administrative purposes.

7. Require the Secretary of the Interior to coordinate and compile yearly reports that will include the number and location of fee collection areas, the number of visitors, and other visitation information. These reports will be transmitted to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources. The 1990 report shall contain recommendations for continuation, modification, or elimination of the fee permit system for Sequoia-Kings National Park, as well as recommendations on whether or not such a program shall be established in other units of the National Park System that include lands in the National Wilderness Preservation System. This provision is similar to requirements in Section 4(h) of LWCFR, (16 U.S.C. 4601-6a(h)), Senate bill 740, and House bill 1203. NPS currently compiles a similar annual report titled Federal Recreation Fee Report, which covers all seven federal land management agencies.

## Senate Bill 740

This bill was introduced on March 26, 1985, during the first session of the 99th Congress, and referred to the Senate Committee on Environment and Public Works. This bill would do the following:

1. Authorize entrance fees at designated units of the National Wildlife Refuge System, irrespective of the provisions contained in LWCFR. (This provision is similar to H.R.1203.)
2. Direct revenues from the entrance fees for single-visit and special entrance permits collected under this bill to be deposited into the Migratory Bird Conservation Fund, less 10 percent, to be used
  - to defray administrative costs incurred for providing such permits and
  - for the purposes for which the designated units have been established.
3. Allow the migratory bird hunting and conservation stamp and the Golden Eagle Passport to serve as an annual permit for entry into any designated unit. Both the single-visit and annual permit follow the same basic entrance fee guidelines for the Golden Eagle, Golden Age, and Access Passports. (See app. II.)
4. Establish a "reasonable" single-visit entrance fee permit for persons who do not purchase an annual permit. The bill defines a single visit "... a more or less continuous stay within a designated unit." Payment of a single-visit entrance fee and issuance of such a permit shall authorize exits and reentries to the unit for a period from 1 to 15 days. This definition is the same as that contained under LWCFR, Section 4(a)(2), (16 U.S.C. 4601-6a(a)(2)).
5. Establish a new admission permit,<sup>2</sup> to be issued in accordance with procedures and at fees established by the Secretary of the Interior. This provision is similar to Senate bill 2130, except Senate bill 2130 states that the permit will be issued free of charge for persons or groups undertaking educational or research activities on a not-for-profit basis.
6. Allow permits established under this bill to be available at designated FWS units. Further, the permits will not be transferable or authorize uses for which fees are charged under LWCFR.

<sup>2</sup>The proposal uses the term "special admission permit." In order to avoid confusion with "Special Recreational Use Permits" under Section 4(c) of LWCFR, we are using the term "new admission permit." The bill does not specifically assign a name to the permit, as in the case of the Golden Eagle and Golden Age Passports.

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This bill duplicates several sections contained in the current LWCFR. These provisions would

1. Establish two free lifetime admission permits. One permit would be available to any citizen or person domiciled in the United States who is blind or permanently disabled. This provision is largely similar to Section 4(a)(5) of LWCFR, (16 U.S.C. 4601-6a(a)(5)), which establishes the Golden Access Passport. The second permit would be available to any citizen or person domiciled in the United States who is 62 years of age or older. This provision is largely similar to Section 4(a)(4) of LWCFR, (16 U.S.C. 4601-6a(a)(4)), which establishes the Golden Eagle Passport. Both passports are discussed in appendix II.

2. Prohibit the charging of any entrance fee over any road or highway established as part of the National Federal Aid System, as defined in Section 101 of Title 23, United State Code. This provision is identical to Section 4(a)(3) of LWCFR, (16 U.S.C. 4601-6a(a)(3)), which is discussed in appendix II, and similar to House bill 1203.

3. Require that fees established under this bill shall be fair and equitable, taking into consideration

- the direct and indirect cost to the government,
- the benefits to the recipient,
- the public policy or interest served,
- the comparable fees charged by nonfederal public agencies,
- the economic and administrative feasibility of fee collection, and
- other pertinent factors.

This provision is essentially identical to Section 4(d) of LWCFR, (16 U.S.C. 4601-6a(d)), which is discussed in appendix I, and House bill 1203 and is similar to House bill 3934. This proposal and House bill 1203 duplicate the LWCFR requirement that a fee notice be clearly displayed at all designated fee units. House bill 3934 only requires that clear notice be given.

4. Require periodic reports by FWS on number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data. This provision is similar to Section 4(h) of LWCFR, (16 U.S.C. 4601-6a(h)), House bill 1203 and House bill 3934. NPS currently compiles a similar annual report titled Federal Recreation Fee Report, which covers all seven federal land management agencies.

## Senate Bill 2092

This bill was introduced on February 25, 1986, and referred to the Senate Committee on Energy and Natural Resources. In addition to amending specific prohibitions or limitations under LWCFR, as discussed below, the bill would further define the classification of entrance and use fees. The bill would allow the collection of use fees for services and facilities provided within the unit at entrances to federally owned designated areas. The collection of these fees at the entrance would be for convenience as a primary collection point and would not be considered an entrance fee.

The remaining portions of the bill would do the following:

1. Remove the entrance fee prohibition for the five agencies—BLM, BOR, Corps, FWS, TVA—not permitted to charge an entrance fee under Section 4(a) of LWCFR. While this provision would remove the entrance fee prohibition under LWCFR, the Corps would still be prohibited from charging entrance fees under Section 210 of the Flood Control Act of 1968, Public Law 90-483, (16 U.S.C. 460d-3). This provision of the bill does not affect Public Law 96-487, (16 U.S.C. 410hh-2), which prohibits the charging of entrance fees at all NPS units in the state of Alaska or other public laws which contain park specific prohibitions. (See app. II.)
2. Raise the cost of the Golden Eagle Passport from not more than \$10.00 to not more than \$25.00. (This provision is identical to S.2130. However, S.2204 raises the fee to not more than \$40.00.)
3. Allow fees collected by the seven agencies to augment or expand existing programs. This provision states that fees should not be used to offset or reduce appropriated funds.
4. Exclude NPS from depositing recreational fees—entrance, use, and special recreation permit fees—into the Land and Water Conservation Fund. (This bill is similar to S.2204 and S.2130, except this bill does not set a 10-year time limit on excluding the deposit of recreational fees into the Fund.)
5. Allow the NPS Director to allocate fees collected by the NPS on the following basis:
  - Thirty percent would be returned to those parks that operate a fee collection program.
  - Forty percent would be allocated among parks that do not have a fee collection program.

- Thirty percent would be allocated among all NPS units.

Funds allocated under this provision would be used, by all NPS units, to support interpretation, resource protection, and visitor impact.

6. Repeal Public Law 96-87, Section 402, approved October 12, 1979, which froze all entrance fees at the January 1, 1979 level, prohibited the establishment of any new entrance fee sites if not already established as of January 1, 1979, and prohibited a transportation use fee at Denali National Park in Alaska. (This provision is identical to S.2204 and S.2130, except that S.2130 does not repeal the prohibition on the transportation use fee at Denali National Park.)

## Senate Bill 2130

This bill was introduced on February 28, 1986, and referred to the Senate Committee on Energy and Natural Resources. While Senate bill 2092 expands the ability of agencies to charge entrance fees, this bill also adds the following prohibition and limitation, which would:

1. Prohibit the assessment of an entrance fee at any urban environment<sup>3</sup> that provides significant outdoor recreational opportunities and to which numerous access points exist. (This provision is identical to S.2204.)
2. Require the Secretary of the Interior to designate 1 day each month of the year as a fee free day at those locations where an entrance fee is charged.

The remaining provisions of the bill would do the following:

1. Raise the cost of the Golden Eagle Passport from not more than \$10.00 to not more than \$25.00. (This provision is identical to S.2092. However, S.2204 raises the fee to not more than \$40.00.)
2. Assess a one-time \$10.00 fee for the issuance of the Golden Age Passport. LWCFA states that the Golden Age Passport be issued as a lifetime passport free of charge. (This provision is identical to S.2204.)

<sup>3</sup>Neither this bill nor S.2204 define what an urban environment encompasses.

3. Establish a new admission permit,<sup>4</sup> issued free of charge, for persons or groups undertaking educational or research activities on a not-for-profit basis. This provision is similar to Senate bill 740, except that Senate bill 740 allows the assessment of a fee and does not specify what the group activities could involve.

4. Authorize volunteers to collect fees and sell permits. A Comptroller General Decision dated April 22, 1983, does not permit the use of volunteers to collect fees. However, another Comptroller General Decision dated March 25, 1985, permits contractor employees to collect recreational fees. (This provision is identical to S.2204.)

5. Exclude the NPS fees—entrance, use, and special recreational use permits—from being deposited into the Land and Water Conservation Fund for 10 years. (This provision is identical to S.2204 and S.2092, except S.2092 does not have the 10-year limit.)

6. Allow, without further appropriation, recreational fees collected by NPS to be expended under guidelines to be developed by the Secretary of the Interior.

7. Repeal part of Section 402 of Public Law 96-87. This repealer would remove (a) the freeze on NPS entrance fees but establish an entrance fee ceiling of \$5.00 and (b) the prohibition of charging entrance fees at NPS units that did not have such a fee in effect as of January 1, 1979. (This provision is similar to S.2092 and S.2204, except this bill does not repeal the prohibition on a transportation use fee at Denali National Park in Alaska.)

## Senate Bill 2204

This bill was introduced on March 18, 1986, and contains the legislative proposal on recreational fees contained in the President's Fiscal Year 1987 Budget Submission. The bill was referred to the Senate Committee on Energy and Natural Resources. This proposed bill would do the following:

<sup>4</sup>The proposal uses the term "special permit." In order to avoid confusion with "Special Recreational Use Permits" under Section 4(c) of LWCF, we are using the term "new admission permit." The bill does not specifically assign a name to the permit, as in the case of the Golden Eagle and Golden Age Passports.

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1. Prohibit the assessment of an entrance fee at any urban environment<sup>5</sup> that provides significant outdoor recreational opportunities and to which numerous access points exist. This provision will further limit the application of entrance fees. (This provision is identical to S.2130.)
2. Raise the cost of the Golden Eagle Passport from not more than \$10.00 to not more than \$40.00. (S.2092 and S.2130 raise the fee to not more than \$25.00.)
3. Establish an annual admission permit<sup>6</sup> that is valid only for admission into a specific NPS unit. The permit will be subject to the same terms and conditions as the Golden Eagle Passport. However, the bill does not specify a fee. The provision only calls for a “reasonable fee.”
4. Assess a one-time \$10.00 fee for the issuance of the Golden Age Passport. LWCA states that the Golden Age Passport be issued as a lifetime passport free of charge. (This provision is identical to S.2130.)
5. Authorize volunteers to collect fees and sell permits. A Comptroller General Decision dated April 22, 1983, does not allow the use of volunteers to collect fees. However, another Comptroller General Decision dated March 25, 1985, permits contractor employees to collect recreational fees. (This provision is identical to S.2130.)
6. Exclude the NPS fees—entrance, use, and special recreational use permits—from being deposited into the Land and Water Conservation Fund for 10 years. (This provision is identical to S.2130 and S.2092, except S.2092 does not have the 10-year limit.)
7. Allocate recreational fees collected by NPS for a period of 10 years on the following basis:
  - Eighty percent of all fees—entrance, use, and special recreational use permits—collected shall be available without further appropriations for operation of NPS.
  - Twenty percent of all fees collected will be deposited into the general treasury.

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<sup>5</sup>Neither this bill nor S.2130 defines what an urban environment encompasses.

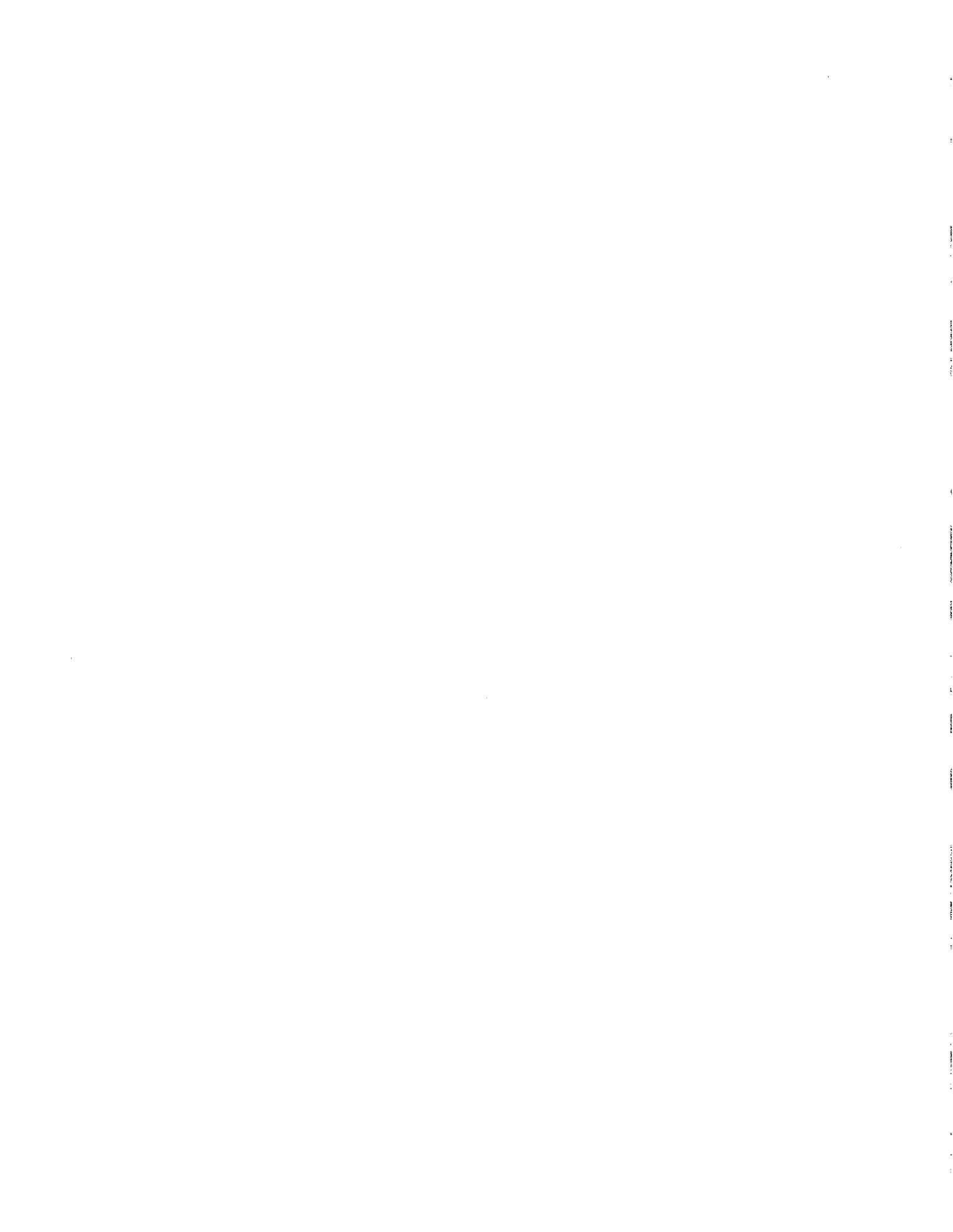
<sup>6</sup>The bill does not specifically assign a name to the permit as in the case of the Golden Eagle and Golden Age Passports.

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8. Repeal Public Law 96-87, Section 402, of the Act approved October 12, 1979, which froze all entrance fees at the January 1, 1979 level, prohibited the establishment of any new entrance fee sites if not already established as of January 1, 1979, and prohibited a transportation use fee at Denali National Park in Alaska. (This provision is identical to S.2092 and S.2130, except that S.2130 does not repeal the prohibition on the transportation use fee at Denali National Park.)



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